

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Namel Norris,

Plaintiff,

-against-

East Side Rest. Group LLC et al.,

Defendants.

USDC SDNY
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DATE FILED: 10/31/2023

1:23-cv-08729 (PAE) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

This case has been referred to the undersigned for general pretrial management. (See Referral Order, ECF No. 9.) On or about October 26, 2023, Karl Leonard, who is not a defendant in this action, purported to file a Notice of Appearance and an Answer “pro se” on behalf of the corporate defendant, East Side Rest. Group LLC. (Notice of Appearance, ECF No. 10; Answer, ECF No. 11.)

28 U.S.C § 1654, which governs appearances in federal court, provides that “[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.” 28 U.S.C. § 1654. Thus, two types of representation are allowed: “that by an attorney admitted to the practice of law by a governmental regulatory body and that by a person representing himself.” *Lattanzio v. COMTA*, 481 F.3d 137, 139 (2d Cir. 2007) (quoting *Eagle Associates v. Bank of Montreal*, 926 F.2d 1305, 1308 (2d Cir. 1991)). “The statute does not permit unlicensed laymen to represent anyone else other than themselves.” *Id.* (internal quotation marks omitted). Thus, “a layperson may not represent a separate legal entity such as a corporation.” *Id.*

“Moreover, ‘it is established that a corporation, which is an artificial entity that can only act through agents, cannot proceed *pro se*.’” *Parsons v. Bong Mines Ent. LLC*, No. 19-CV-00813 (JMA) (AKT), 2021 WL 931506, at *4 (E.D.N.Y. Feb. 18, 2021), *report and recommendation adopted*, 2021 WL 930259 (E.D.N.Y. Mar. 11, 2021) (*quoting Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983)). “Since laypersons are not permitted to represent anyone other than themselves, and corporations may not proceed *pro se*, corporations may only appear in federal court through licensed counsel.” *Id.* (citing cases); *see also Lattanzio*, 481 F.3d at 140 (a limited liability company may appear in federal court only through a licensed attorney).

Accordingly, the Clerk of Court is respectfully requested to strike the Answer filed at ECF No. 11 as improperly filed. The Court hereby grants defendant East Side Rest. Group LLC thirty days to appear through counsel.

SO ORDERED.

Dated: New York, New York
 October 31, 2023

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge